

## **EXHIBIT 4**

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

| Plaintiffs' Executive Committee for Personal Injury and Death Claims   | Plaintiffs' Executive Committee for Commercial Claims                                |
|--|--|
| Ronald L. Motley, <i>Co-Chair</i><br>MOTLEY RICE LLC<br>James P. Kreindler, <i>Co-Chair</i><br>KREINDLER & KREINDLER LLP                                   | Elliot R. Feldman, <i>Co-Chair</i><br>Sean Carter, <i>Co-Chair</i><br>COZEN O'CONNOR |
| Andrew J. Maloney III, <i>Co-Liaison Counsel</i><br>KREINDLER & KREINDLER LLP<br>Paul J. Hanly, Jr., <i>Co-Liaison Counsel</i><br>SIMMONS HANLY CONROY LLC | J. Scott Tarbutton, <i>Liaison Counsel</i><br>COZEN O'CONNOR                         |

**VIA E-MAIL**

January 5, 2016

Robert K. Kry, Esq.  
 MoloLamken LLP  
 600 New Hampshire Ave., N.W.  
 Washington, D.C. 20037

Martin F. McMahon, Esq.  
 Martin McMahon & Associates  
 1150 Connecticut Ave., N.W.  
 Suite 900  
 Washington, D.C. 20036

Re: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (FM)*

Dear Robert and Martin:

I write on behalf of the Plaintiffs' Executive Committees to outline our principal concerns with Dallah Avco's document production. A number of the issues identified below were raised during our initial meet and confers, but we wanted to revisit them one final time before filing a motion to compel as to those issues. In addition, we have identified a number of new issues, based on the content of Dallah Avco's productions to date. After you have had an opportunity to review the summary presented below, please let us know if you are still available to participate in a meet-and-confer on January 15, 2016.

1. Omitted correspondence referenced in letter at Bates No. DA001357. Dallah Avco produced a copy of an April 17, 1999 letter sent by the Saudi President of Civil Aviation ("PCA") to the Office of the Saudi Minister of Defense and Aviation, requesting the urgent approval of an extension of Omar al Bayoumi's secondment with Dallah Avco. The PCA letter references an enclosed request from Dallah Avco, but that enclosure has not been produced. Please produce that document. We also do not have the document from the Minister of Defense and Aviation approving the extension of Omar al Bayoumi's secondment. Please produce that document as well.

Robert K. Kry and Martin F. McMahon  
January 5, 2016  
Page 2

---

2. Records pertaining to the various positions Omar al Bayoumi is identified to have held during his secondment with Dallah Avco. The documents produced indicate that Omar al Bayoumi was designated as holding a variety of positions during his secondment with Dallah Avco, including but not limited to: Senior Data Processing Technician, Accounting Supervisor, PCA/AE Budget Coordinator, Senior DSS/Programmer, and Senior Contract Specialist. Given those roles, we have asked that Dallah Avco produce: (1) any and all documents that describe the necessary qualifications, skills, credentials, and training for each of those positions; (2) any documents that describe the duties, functions and roles of persons holding those positions; (3) any documents reflecting Omar al Bayoumi's qualifications for those positions; and (4) any documents relating to Omar al Bayoumi's appointment to those positions, or any decision to change his role or title during the terms of his secondment with Dallah Avco.
3. Documents relating to similar secondments of Saudi government civil servants with Dallah Avco. As we indicated during prior meet and confers, we believe records relating to other secondments of Saudi government employees to Dallah Avco are of critical relevance to understanding the nature of Dallah Avco's relationship with Omar al Bayoumi. To date, we have not received any such records. We would request that Dallah Avco promptly provide the following documents pertaining to those issues: (1) any list of Saudi government employees who were seconded to Dallah Avco at any time between 1995 and 2002; (2) any documents relating to any Saudi government employees who were seconded to Dallah Avco between 1995 and 2002; (3) any communications with the Saudi Presidency of Civil Aviation or Saudi Ministry of Defense and Aviation concerning the secondment of any Saudi government employees to Dallah Avco; (4) any and all documents sent to and/or received from the Presidency of Civil Aviation or Saudi Ministry of Defense and Aviation, concerning secondment issues generally; and (5) documents relating to any other persons associated with the Air Navigation Support System ("ANSS") project, for whom Dallah Avco contends it served as a mere paymaster.
4. Omar al Bayoumi's personnel or personal files. Various documents pertaining to Omar al Bayoumi include a notation that the document should be filed in the "Omar Bayoumi file," "employee file," or "Datac file," indicating that Dallah Avco maintained personnel and/or personal files for Omar al Bayoumi. *See* DA001102. Please provide all such files for Omar al Bayoumi. If Dallah Avco contends that it is not possible to produce these files, plaintiffs request that Dallah Avco provide a detailed explanation as to why they cannot be produced.
5. The documents indicate that Omar al Bayoumi's secondment with Dallah Avco was approved at senior levels of the Saudi government, as reflected by the correspondence produced at DA000044, DA000091, DA001101, DA001104, DA001111, DA001118, DA001119-21. The specific Saudi government officials responsible for Omar al Bayoumi's secondment, as reflected in the documents, include Ali bin Abd al Rahman al Khalaf, Muhammad Ahmad al Salimi, Abd al Rahim Nuri Jastaniah, Anas Ismail Habes, and Abd al Aziz bin Abd al Karim al Anqari. Please provide any other documents in Dallah Avco's possession, custody and control that reference those officials.

Robert K. Kry and Martin F. McMahon

January 5, 2016

Page 3

---

6. Documents relating to Dallah Avco's Chairman of the Board of Directors, Alawi Muhammad Said Kamel. On multiple occasions, Mr. Kamel was personally involved in asking the Presidency of Civil Aviation ("PCA") to extend Omar al Bayoumi's secondment to Dallah Avco for the Air Navigation Support System ("ANSS") project. *See DA001107, DA001110.* Please provide all other documents in Dallah Avco's possession regarding Mr. Kamel's oversight, supervision or involvement in Omar al Bayoumi's secondment to Dallah Avco. Please also provide all documents relating to Mr. Kamel's oversight, supervision or involvement in the secondment of other individuals to Dallah Avco, particularly in relation to the ANSS project.
7. Documents relating to the extraordinary extension of Omar al Bayoumi's secondment with Dallah Avco. Our review of the Kingdom of Saudi Arabia's protocols and procedures relating to the secondment of government civil servants to the private sector indicates that Omar al Bayoumi's secondment was remarkable in several respects. Of particular note, a review of the relevant protocols indicate that a government employee may not be seconded for a period of more than three consecutive years, and in no case for more than six total years during the course of that employee's government service. Omar al Bayoumi's secondment to Dallah Avco exceeded both of these limitations. We would ask that Dallah Avco provide any and all documents that reference or relate to any process through which Omar al Bayoumi was seconded to Dallah Avco, including the process through which his secondment was extended multiple times.
8. Documents relating to the Saudi Ministry of Civil Services. Our review of the Kingdom of Saudi Arabia's protocols and procedures relating to the secondment of government civil servants to the private sector further indicates that any secondment of any Saudi government employee, no matter his position or rank, must be formally reviewed and approved by the Ministry of Civil Services. Please produce all documents relating to the Ministry's review and approval of Omar al Bayoumi's secondment to Dallah Avco, including each request for a renewal and/or extension of Bayoumi's secondment.
9. Communications with the Saudi Ministry of Islamic Affairs. Please produce all documents sent to, and/or received from, the Ministry of Islamic Affairs or any agent of the Ministry of Islamic Affairs relating to Omar al Bayoumi.
10. Communications with the Saudi Arabian Embassy or Consulate. Please produce all documents sent to, and/or received from, the Royal Embassy of Saudi Arabia in Washington, D.C. or the Saudi Arabian Consulate in Los Angeles, CA, relating to Omar al Bayoumi.
11. Documents produced to any governmental authorities. As indicated when we spoke previously, various documents indicate that Dallah Avco collected materials relevant to its relationship with Omar al Bayoumi in the immediate aftermath of the September 11<sup>th</sup> attacks, and provided those documents to various sources. Based on this information, we would have expected to receive a compendium of documents as transmitted to investigating authorities, but have not received any production of that nature to date. Please provide any

Robert K. Kry and Martin F. McMahon  
January 5, 2016  
Page 4

---

and all compendiums of information collected for, or provided to investigating authorities, and any correspondence associated with same.

12. Documents relating to Fahad al Thumairy and Osama Basnan. Plaintiffs' First Set of Jurisdictional Document Requests Nos. 45, 46 and 54 seek documentation relating to Dallah Avco's association with Fahad al Thumairy and Osama Basnan. To date, we have received no documents relating to those individuals. Please let us know whether you have responsive documents in your possession, custody or control relating to Thumairy and Basnan and intend to produce those records, whether you are searching for responsive documents, or whether you are refusing to search for documents relating to Thumairy or Basnan.
13. Records relating to Omar al Bayoumi's alleged studies in the United States. At Bates No. DA000044, Dallah Avco produced a March 1997 document authored by Muhammad Ahmad al Salimi, Director-General of Airways Engineering, Presidency of Civil Aviation ("PCA"), representing that Omar al Bayoumi was in the United States studying for a Master's in Business Administration ("MBA"). Further, Bates No. DA000094, a document authored by Ali bin Abd al Rahman al Khalaf of the PCA, indicates that Bayoumi received a master's degree in the United States and was accepted for a doctorate program in business administration in the United Kingdom. Aside from a few documents indicating that Bayoumi was briefly enrolled at San Diego State University in 1995, we received no further records relating to his alleged educational studies in the United States (e.g. registration documents; tuition invoices and paid receipts; class schedules; transcripts; certificates; diplomas). We would ask that you provide any document relating to Bayoumi's alleged further studies in the United States, including without limitation any document or information that provided the basis for the representation made in the documents referenced above.
14. Records relating to Omar al Bayoumi's alleged work in the United States. As described above, Omar al Bayoumi held a number of different positions during his secondment with Dallah Avco, including but not limited to, Senior Data Processing Technician, Accounting Supervisor, PCA/AE Budget Coordinator, Senior DSS/Programmer, and Senior Contract Specialist. Please provide all documents relating to his employment in the United States, including without limitation, reports, memoranda and other communications authored by Bayoumi, employee evaluations, performance analyses, and pay slips.
15. Records relating to Omar al Bayoumi's travel. Please provide all documents relating to Omar al Bayoumi's travel between the United States and Saudi Arabia during his secondment to Dallah Avco, including without limitation, travel authorization forms, invoices, receipts, copies of airline tickets, and reimbursement forms.
16. Records relating to Omar al Bayoumi's visa or passport. Please provide all documents relating to the issuance of any visa or passport to Omar al Bayoumi for travel to the United States.
17. Documents relating to Avco Overseas Services/Textron ("Textron"). Our review of Dallah Avco's production reveals that Houston, TX-based Textron was responsible for issuing

Robert K. Kry and Martin F. McMahon  
January 5, 2016  
Page 5

---

payments to, and/or the benefit of, Omar al Bayoumi and his family while he was in the United States. For instance, Textron issued payments for Bayoumi's tuition, living allowance, and reimbursement of expenses. *See* DA002263, DA002267. Please provide all documents detailing or describing Textron's payments to, and/or for the benefit of, Omar al Bayoumi, any Dallah Avco employee, or any secondee, including without limitation, all invoices received from Textron relative to those payments.

18. Documents relating to the Air Navigation Support System ("ANSS") project. Dallah Avco has produced some records identifying employees working for the ANSS project, but those lists primarily identify individuals hired from Egypt, Morocco, Pakistan, the Philippines, Sri Lanka, Sudan, Turkey, United Kingdom and other countries. Please provide all documents identifying all Saudi nationals employed for the ANSS project.
19. Documents relating to an office in the United States. At Bates Nos. DA001579-80, the ANSS project requires that an office be maintained in the United States. Please provide all documents relating to any such office in the United States, including without limitation, all documents relating to the requirement to establish and maintain an office in the United States, and all documents relating to the fulfillment of that requirement to establish and maintain an office in the United States.
20. Dallah Avco Invoices. At Bates Nos. DA001416-17, the ANSS project requires Dallah Avco to submit all invoices and other supporting documentation for "Out-of-Kingdom" costs and expenses. Please provide copies of all invoices and supporting documents submitted to the Presidency of Civil Aviation for costs and expenses incurred in the United States.
21. Documents relating to Safari Company Limited. Please provide all documents relating to Safari Company Limited and its relationship to the ANSS project.
22. Documents relating to Ercan. Plaintiffs' First Set of Jurisdictional Document Requests Nos. 29-31 seek documentation relating to Dallah Avco's association with Ercan. To date, we have not received any documents relating to that entity. Please let us know whether you have responsive documents in your possession, custody or control relating to Ercan and intend to produce those records, whether you are searching for responsive documents, or whether you are refusing to search for documents relating to Ercan.
23. Documents relating to Omar al Bayoumi's relationship with Dallah Avco's parent organization, affiliates and subsidiaries. At Bates No. DA002274, the Director of the ANSS project writes to the Director of Finance Dallah Holding Co. (a/k/a Dallah al Baraka), asking that Dallah Holding take "the necessary action for processing payment" in order to reimburse Avco Overseas Services/Textron ("Textron") for payments made to Omar al Bayoumi. Plaintiffs' First Set of Jurisdictional Document Requests Nos. 42 and 43 seek documentation relating to Omar al Bayoumi's association with any parent, affiliate, or subsidiary of Dallah Avco, including Dallah al Baraka. Please provide all such documents.

Robert K. Kry and Martin F. McMahon

January 5, 2016

Page 6

---

Sincerely,



J. Scott Tarbutton, Esq.

THE MDL 1570 PLAINTIFFS' EXECUTIVE  
COMMITTEES

JST

cc: Members of Plaintiffs' Executive Committees (via E-Mail)

LEGAL\25340956\1 00000.0000.000/117430.000